

Jerome A. Holmes, of Oklahoma, to be United States Circuit Judge for the Tenth Circuit?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from South Carolina (Mr. GRAHAM).

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER (Mr. BURR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 67, nays 30, as follows:

[Rollcall Vote No. 213 Ex.]

YEAS—67

Alexander	DeMint	McCain
Allard	DeWine	McConnell
Allen	Dole	Murkowski
Baucus	Domenici	Nelson (NE)
Bennett	Dorgan	Pryor
Bingaman	Ensign	Roberts
Bond	Enzi	Rockefeller
Brownback	Frist	Santorum
Bunning	Grassley	Sessions
Burns	Gregg	Shelby
Burr	Hagel	Smith
Byrd	Hatch	Snowe
Carper	Hutchison	Specter
Chafee	Inhofe	Stevens
Chambliss	Isakson	Sununu
Coburn	Jeffords	Talent
Cochran	Johnson	Thomas
Coleman	Kyl	Thune
Collins	Landrieu	Vitter
Conrad	Lincoln	Voinovich
Cornyn	Lott	Warner
Craig	Lugar	
Crapo	Martinez	

NAYS—30

Akaka	Harkin	Murray
Bayh	Inouye	Nelson (FL)
Biden	Kennedy	Obama
Boxer	Kerry	Reed
Cantwell	Kohl	Reid
Clinton	Lautenberg	Salazar
Dayton	Leahy	Sarbanes
Dodd	Levin	Schumer
Durbin	Menendez	Stabenow
Feingold	Mikulski	Wyden

NOT VOTING—3

Feinstein	Graham	Lieberman
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The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

The Senator from Nevada.

CHILD CUSTODY PROTECTION ACT

Mr. ENSIGN. Mr. President, I ask that the Senate now proceed to S. 403 under conditions of the consent agreement from last week.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 403) to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, I rise to discuss the Child Custody Protection Act which will protect the rights of our Nation's parents and their children's well-being. Speaking as a father of three young children, including a daughter, I understand how difficult the challenge of raising children can be. In most schools across the country, our children cannot go on a field trip, take part in school activities, or participate in sex education without a signed permission slip. An underage child cannot even receive mild medication such as aspirin unless the school nurse has a signed release form. Some States even require parental permission to use indoor tanning beds. Nothing, however, prevents this same child from being taken across State lines in direct disobedience of State laws for the purpose of undergoing a surgical, life-altering abortion.

The bill before us, the Child Custody Protection Act, makes it a Federal offense to knowingly transport a minor across a State line for the purpose of an abortion in order to circumvent a State's parental consent or notification law. It specifies that neither the minor transported nor her parent may be prosecuted for a violation of this act.

It is important to note that this legislation does not supersede, override, or in any way alter existing State parental involvement laws. It does not impose any Federal parental notice or consent requirement on any State that does not already have a parental involvement law in place. This bill merely addresses the interstate transportation of minors, sometimes by a predatory older male or his parents, in order to circumvent valid existing State laws that require parental notification or consent. This bill goes a long way in strengthening the effectiveness of State laws designed to protect parents and their young daughters from the health and safety risks associated with secret abortions.

An overwhelming number of States have recognized that a young girl's parents are the best source of guidance and knowledge when making decisions regarding serious surgical procedures such as abortion. Forty-five States have adopted some form of parental notification or consent, proving the widespread support for protecting the rights of parents across America. The people who care the most for a child should be involved in these kinds of health care decisions. If there is aftercare needed, the parents should be fully informed in order to care for their young daughter.

An overwhelming majority of Americans support parental consent laws. In fact, most polls show that consent is favored by almost 80 percent of the American people. These numbers do not lie. By the way, these are people who call themselves pro-choice and pro-life. Well over a majority of even

pro-choice people support parental notification or parental consent laws. The American people agree that parents deserve the right to be involved in their minor children's decisions. In many cases, only a girl's parents know her prior medical and psychological history, including allergies to medications and anesthesia.

The harsh reality is our current law allows for parents to be left uninformed about their underage daughter's abortion which can be devastating to the physical and mental health of their child. Take the case of Marcia Carroll from Pennsylvania. On Christmas Eve 2004, her daughter informed her she was pregnant. After listening to her daughter's story, Ms. Carroll assured her that they would handle this as a family and would support any decisions she decided to make. They scheduled appointments with both doctors and counselors and discussed all options available. Ms. Carroll purposely allowed her daughter to speak alone with the professionals so that her daughter felt comfortable to speak her mind. After all the advice and counsel, her daughter decided to have the baby and to raise it, a decision which the family fully supported.

Following her decision, despite their knowledge of her family's love and support, her boyfriend's family began to harass her and threaten that she could not see her boyfriend unless she had an abortion. Ms. Carroll was so concerned about their behavior, she called the police and even went so far as to contact a nearby abortion clinic to ensure that parental consent would be required before an abortion would be allowed. Pennsylvania's law requires that anyone under the age of 18 have consent of a parent before an abortion can be performed. Unfortunately, other States nearby do not have the same protections.

Shortly after, Ms. Carroll sent her daughter off to school, thinking she would be safe. Imagine yourself in the same position. Instead, her boyfriend and his family met her at the bus stop, bought them a train ticket, and sent the children to New Jersey, where other family members picked them up and took them to an abortion clinic. Despite her tears and desires to keep the baby, her boyfriend's family coerced her by telling her they would leave her in New Jersey with no way to get home. They planned, paid for, and threatened her into agreeing to an abortion. After the abortion, they dropped her off blocks from her house with no regard to her mental or physical well-being. Ms. Carroll called the local police department only to be told that there was nothing that could be done. This poor young girl, whose family was committed to loving her and respecting her decision, had her life forever altered by adults who never considered her wishes or the consequences such a decision would have on her life.

Parental notification serves another vital purpose: ensuring increased protection against sexual exploitation of

minors by adult men. All too often, our young girls are the victims of predatory practices of men who are older, more experienced, and in a unique position to influence the minor's decisions. According to the American Academy of Pediatrics, almost two-thirds of adolescent mothers have partners older than 20 years of age. Rather than face a statutory rape charge, these men or their families use the vulnerability of the young girl against her, exerting pressure on the girl to agree to an abortion without talking to her parents. We all know how easy it is to influence teenagers, boys or girls. In fact, in a survey of 1,500 unmarried minors having abortions without their parent's knowledge, 89 percent said that a boyfriend was involved in the decision, and the number goes even higher the younger the age of the minor. Allowing secret abortions does nothing to expose these men and their heinous conduct.

Such is the case with Crystal, the 12-year-old daughter of a Pennsylvania woman, who was intoxicated and raped by a local teenager 6 years her senior. Crystal's mother did not even know she was pregnant until Crystal went missing from school and it was discovered that her rapist's mother had taken her across State lines into New York where, scared and confused, she received an abortion. When Crystal developed complications from the incomplete abortion, the clinic physician refused to supply the medical records to her mother. Crystal's mother, a loving and responsible parent, was not even given the option to care for her daughter. Rather, the decision was made for her by an unknown adult.

There is overwhelming agreement that parents and parental notification laws and consent laws are important tools that enable parents to help protect their daughters from this kind of abuse. In 1998, Dr. Bruce Lucero, an abortionist who performed some 45,000 abortions, wrote of his support for the Child Custody Protection Act to the New York Times. In the article, Dr. Lucero pointed out that "dangerous complications are more likely to result when parents are not involved in these out-of-state abortions." He goes on to say that parental involvement is the best guarantee that a minor will make the best and most safe decision. This is an abortionist doctor talking.

In the unfortunate instance of abuse or where there is rape or incest involved within a family, minors may be afraid to go to one of the parents—and rightfully so. In response, judicial bypass laws have been written across the country to protect the minor.

This legislation is a commonsense solution to defeat the legal loophole that currently results from parents being denied the right to know about the health decisions of their minor daughters.

The Child Custody Protection Act in no way imposes a parental involvement law on a State that does not already have a functioning law in place. It does

not invalidate any State law, nor does this act contradict Supreme Court precedent dealing with minors and abortion.

In fact, the Supreme Court made it clear in *Planned Parenthood v. Casey* that it is the State's right to declare that abortion should not be performed on a minor unless a parent is consulted.

Mr. President, is it time for the adjournment?

The PRESIDING OFFICER. Under the previous order, it is.

Mrs. BOXER. Since my colleague has spoken for 10 or 15 minutes—

The PRESIDING OFFICER. Eleven and a half minutes.

Mrs. BOXER. I would like to have 5 minutes to respond. I thought we were going to start the debate after the luncheons. Upon his conclusion, perhaps in the next minute or so, may I have a few minutes to open?

Mr. ENSIGN. Mr. President, I ask unanimous consent for 30 more seconds and 5 minutes for my colleague.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ENSIGN. In fact, the Supreme Court made it clear in *Planned Parenthood v. Casey* that it is the State's right to declare that an abortion should not be performed on a minor unless a parent is consulted.

This is not an argument on the merits of abortion. Rather, this is a debate about preserving the fundamental rights of parents to have knowledge about health decisions of their minor daughters.

Let me conclude with this. This is one of the biggest moral issues of the day, the right to have an abortion or not. It splits America. The emotions are high. There are good people on both sides of the debate. We need to look for common ground, where we can come together and at least have some reasonable restrictions on abortion. I believe this bill is one of those reasonable restrictions on abortion that I think all of us should come together on.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I thank my colleague from Nevada. I rise to speak as a mother and a grandmother—a mother of a daughter and a son, a grandmother of a grandson, and a Senator who has been here now for three terms, and I served over in the House for many years—to say that my friend from Nevada is right that this is not a parental consent bill at all.

Some States have parental consent laws, some don't. In my particular State, it has been voted down because my people feel that if you ask them do they want their kids to come to their parents, absolutely. But if you ask them should you force them to do so, even in circumstances where there could be trouble that comes from that, they say no.

I respect those States that have parental consent laws, and perhaps we

will have a law that is drafted in California that the voters will approve. So far, we have not seen that.

It is true it is not a partisan issue. When we voted down those laws, we did it regardless of political party. But the reason is unintended consequences in the way certain bills are drafted. I want to speak to that because I believe this bill is well-intentioned.

This bill emanates from a desire that our children come to us when we have family matters, when our children are in trouble, that they not be fearful, that they not be afraid that they disappoint us, that they be open with us and loving toward us, and we toward them. This is what we want to have happen.

The question is: Can Big Brother Federal Government force this on our families? That is where we will differ.

I have to tell you, as I look at this bill coming before us now, I have to ask the question: why are my colleagues on the other side of the aisle who run this place, who run the House, who run the White House, putting so much effort into this bill, having killed stem cell research, which all of our families are desperate to have—talk about 80 percent of America, it is 90 percent who want to find cures to Alzheimer's and all the rest. Oh, no, instead of getting another chance to pass that bill and convince the President, who is now backing off a little bit in his rhetoric, to sign a stem cell research bill, or to prevent teen pregnancies, which is so important, we don't have that. We have this bill that impacts very few people. Instead of improving the health of women and girls, we are spending precious time on a bill that, in essence, protects incest predators. This bill, as it is written, protects fathers who commit incest. Can you imagine? It allows them to drive their daughter across State lines. Unbelievable. We are going to try to fix this problem with an amendment. I hope my colleagues will support that, and it will improve this bill.

Right now, imagine, a father retains parental rights if he has committed rape on his daughter. This is supposed to be a warm and fuzzy bill? I don't think so. It also throws grandmothers in jail.

Mr. ENSIGN. Will the Senator yield?

Mrs. BOXER. When I am finished.

This bill, as it is drafted, will throw a grandmother in jail. Say the father committed incest on the daughter and she is hysterical. The first place she goes is not some judge but to her grandma, who she adores and who gives her unconditional love, or to her priest or rabbi, and says please help me out of this. That incestuous father, as the bill is written, can sue that caring adult who takes her over the line.

My friend is going to offer an amendment that goes part of the way on the incest provision. It will say the father cannot sue. I am so happy because I will join him in that. I hope we have a 100-to-0 vote. But I am shocked that we

cannot reach agreement on that. Talk about finding common ground. Even with the Ensign amendment that says a father cannot sue, he can still take the daughter across State lines. And the Federal Government can still sue the grandmother or the clergy.

This debate is just beginning. The Senator from Nevada and I are friends, but we will have a tough debate. I hope we will vote for the Democratic amendment to improve this bill.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived and passed, the Senate stands in recess until 2:15 p.m.

Thereupon, at 12:37 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

Mr. ENZI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHILD CUSTODY PROTECTION ACT—Continued

AMENDMENT NO. 4689

(Purpose: To authorize grants to carry out programs to provide education on preventing teen pregnancies, and for other purposes)

Mr. LAUTENBERG. Mr. President, I call up amendment No. 4689, which is at the desk, and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG], for himself, Mr. MENENDEZ, and Mrs. CLINTON, proposes an amendment numbered 4689.

(The amendment is printed in the RECORD of Monday, July, 24, 2006, under "Text of Amendments.")

Mr. LAUTENBERG. Mr. President, the amendment I am offering gets to the heart of the issue this bill purportedly means to address; that is, reducing the number of abortions. The best way to reduce the number of abortions is to prevent teen pregnancies in the first place. It is that simple.

The amendment I am offering, along with Senators MENENDEZ, CLINTON, SCHUMER, KENNEDY, KERRY, and FEINSTEIN, is aimed at dramatically reducing teen pregnancy rates in the United States. This amendment will assist efforts by nonprofit organizations, schools, and public health agencies to reduce teen pregnancy through awareness, education, and abstinence programs.

The root problem we are talking about today is not abortion, it is teen pregnancy. If we do nothing about teen pregnancy, yet pass this punitive bill, then it proves that this exercise is only a political charade and not a serious effort to combat the problem.

The U.S. teen pregnancy rate is the highest by far among developed countries, and here is some of the evidence we use to prove this.

In Germany, the teen pregnancy rate is 16 per 1,000. The U.S. rate is 84 per 1,000. I ask my colleagues to look at this chart which shows several countries teen pregnancy rates compared with the U.S. This is teen pregnancy rate for ages 15 to 19, among developed countries per 1,000 persons. In Sweden, it is 25 young women per 1,000; in France, it is 20 young women per 1,000; in Canada, 46; in Great Britain, 47; and here we are. Are we the winners in this contest? I hardly think so. We have 84 unintended teenage pregnancies per 1,000 persons.

I mentioned before that Germany has a teen pregnancy rate of 16 per 1,000, and again, I mention the rate in the United States is 84 per 1,000. So it tells us that there is something terribly wrong about the way we do things here.

I look further at Belgium, which has a teen pregnancy rate of 14 per 1,000; the Netherlands, 12 per 1,000; and ours is 84 per 1,000. We cannot continue to ignore facts such as these. We can pass all the abortion restrictions we can think of, but unless there are fewer teen pregnancies, the results will be tragic for thousands of young women.

In many cases, teen pregnancies result in abortion, but that is not the extent of the problem. We know that children of teenage mothers typically have lower birth weight deliveries, are more likely to perform poorly in school, and are at greater risk of abuse and neglect than other children. The sons of teen mothers are 13 percent more likely to end up in prison, while teen daughters are 22 percent more likely to become teen mothers themselves.

Each year in the United States, approximately 860,000 young women become pregnant before they reach the age of 20. Eighty percent of these pregnancies—80 percent of 860,000. That is over 600,000 young women are unintended, and 81 percent of these young women are unmarried.

So what are we doing differently in the United States that is separating us from the rest of the developed world? The answer is simple: the other countries promote full, comprehensive sex education programs, and in the United States—would you believe it—we don't allow funding for comprehensive sex education. I repeat that because some people may think they misheard me. The Federal Government will not fund comprehensive sex education programs despite the fact that 90 percent of parents polled say that in addition to abstinence, sex education should cover contraception and other forms of birth

control. But the Federal Government currently will not fund any programs that even mention contraception and restricts all of its funding to abstinence-only programs.

I want to be clear, I am not against abstinence programs. In fact, our amendment will also fund abstinence programs. I think they can be effective at times. But the Federal Government's current policy of restricting funding to abstinence-only programs is producing the wrong result. Just look at how poorly our teenage pregnancy rates compare with other nations.

We need to dedicate our scarce Federal resources toward medically accurate, age-appropriate education that includes information about contraception as well as abstinence. In many cases, particular types of contraception can help avoid sexually transmitted diseases. Isn't that a good objective as well? We have to be realistic about the hope that each and every teenager is going to abstain from premarital sex. Saying "Don't do it" may work at times but not all the time.

Look at another problem—youth smoking, for instance. Kids are bombarded with warnings not to smoke. These messages have cut teen smoking rates dramatically, but 1,500 kids a day still start smoking. So it needs intensity of education, comprehensive education.

We remember First Lady Nancy Reagan's "Just Say No to Drugs" campaign. It worked for some kids but obviously not for others. For those teenagers who already are sexually active or who do become sexually active, we fail them if we don't teach them about contraception. If we are serious about reducing the number of unintended pregnancies, almost half of which tragically end in abortion—we have to implement programs that work so that our teenagers have the knowledge they need to bring about a positive future for themselves with the opportunity to pursue their dreams. We create a huge number of abortions as a result of the ignorance of what the facts are, about sex and young people.

This year, the Federal Government will direct \$176 million of taxpayers' money to abstinence-only programs. Some of these programs can be effective but often don't get the job done because many teenagers need to understand something about contraception and other aspects of a comprehensive sex education program. Research has shown that the most effective programs are the ones that encourage teenagers to delay sexual activity but also provide information on how they can protect themselves. What is more, research shows that teenagers who receive sex education which includes discussion of contraception are more likely to delay sexual activity than those who receive abstinence-only messages.

There was an interesting article in this Saturday's Wall Street Journal about a sex education program in Bamberg County, SC. The article said: